

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOE W. KUEFLER, Individually and on)	No. 06-CA-11620-JLT
Behalf of All Others Similarly Situated)	
)	<u>CLASS ACTION</u>
Plaintiff,)	
)	
vs.)	
)	
WEBLOYALTY.COM, INC., et al.,)	
)	
Defendants.)	
)	
)	

**PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Plaintiff Joe W. Kuefler ("Plaintiff"), individually and on behalf of all others similarly situated, pursuant to Fed. R. Civ. P. 6, hereby seeks leave of Court for an extension of time to file his response in opposition to defendants', Webloyalty.com, Inc. and Fandango, Inc. d/b/a Fandango.com (collectively, "Defendants"), Motion for Summary Judgment (the "Motion for Extension") and in support thereof states:

1. On September 11, 2006, Plaintiff filed his Class Action Complaint (the "Complaint").
2. On November 13, 2006, Defendants answered the Complaint and filed a Motion for Summary Judgment (the "Motion").

3. Because this case is barely two months old and no discovery whatsoever has occurred, Plaintiff intends to file a Rule 56(f) motion requesting that the Court permit necessary discovery prior to considering the Motion (the "Rule 56(f) Motion"). While the Rule 56(f) Motion would normally be due by November 27, 2006, fourteen days after the Motion was filed, as a result of the upcoming Thanksgiving holiday, Plaintiff requests that the Court grant him an extension until December 1, 2006, to file the Rule 56(f) Motion. Further, the Plaintiff requests that no substantive response to the Motion be due until the later of: (1) 30 days from the date of a denial of the Rule 56(f) Motion; or (2) 30 days from the date of the completion of any discovery permitted by the Court as a result of the Rule 56(f) Motion.

4. Plaintiff's counsel has conferred with counsel for Defendants regarding the relief requested herein and has been authorized to advise the Court that Defendants have no objection to the extension of time requested herein.

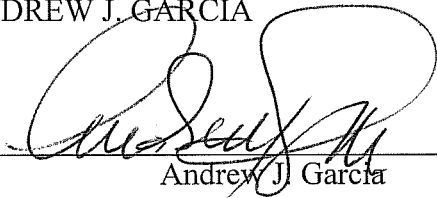
MEMORANDUM OF LAW

Fed. R. Civ. P. 6(b) permits the Court to grant motions for enlargements of time within its sound discretion. Where, as here, the parties are in agreement, the extension is for a limited amount of time, and the parties agree that the extension will not prejudice either party, the moving party's request for an extension should be granted. Defendants' counsel's agreement to this request evidences that Defendants will not be prejudiced by the granting of this motion.

WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff's unopposed Motion for Extension, and allow Plaintiff until December 1, 2006 to file his Rule 56(f) Motion as well as provide Plaintiff until and including the later of: (1) 30 days from the date of any denial of the Rule 56(f) Motion; or (2) 30 days from the date of the completion of any discovery obtained as a result of the Rule 56(f) Motion, to file his response to Defendants' Motion, and grant such other and further relief as the Court deems just and proper.

DATED: November 17, 2006

PHILLIPS & GARCIA, LLP
CARLIN J. PHILLIPS
ANDREW J. GARCIA



Andrew J. Garcia

13 Ventura Drive
North Dartmouth, MA 02747
Telephone: 508/998-0800
508/998-0919 (fax)

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
DAVID J. GEORGE
STUART A. DAVIDSON
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: 561/750-3000
561/750-3364 (fax)

LEE & AMTZIS, P.L.
ERIC A. LEE
5550 Glades Road, Suite 401
Boca Raton, FL 33431
Telephone: 561/ 981-9988
561/981-9980 (fax)

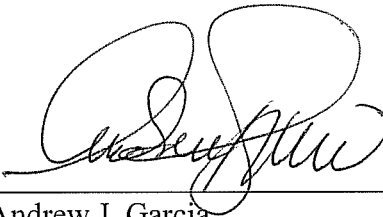
Attorneys for Plaintiff and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by

U.S. Mail this 17th day of November, 2006, to the following:

John J. Regan
Gabrielle R. Wolohojian
WILMER CUTLER PICKERING
HALE & DORE, LLP
60 State Street
Boston, MA 02109
Telephone: 617/526-6000
617/526-5000 (fax)

A handwritten signature in black ink, appearing to read "Andrew J. Garcia", is written over a horizontal line.

Andrew J. Garcia